

TOWN OF NEW WINDSOR

ZONING BOARD

March 14, 2011

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 HENRY SCHEIBLE
 RICHARD HAMEL
 FRANCIS BEDETTI

ALSO PRESENT: ANDREW KRIEGER, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE JULIAN
 ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR MEETING:

MR. KANE: I'd like to call to order the March 14, 2011
meeting of the New Windsor Zoning Board.

APPROVAL OF MINUTES DATED 1/24/11 AND 2/7/11

MR. KANE: Motion to accept the minutes of January 24,
2011 and February 7, 2011 as written.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:MEDICINE CHEST PHARMACY (11-03)

MR. KANE: Tonight's first preliminary meeting Medicine Chest Pharmacy. Request for an existing pole sign which exceeds maximum height of 15 feet, also exceeds maximum total face area of 64 square feet and a variance of 3 feet in height and 51 square feet in total face area is requested at 408 Blooming Grove Turnpike. So everybody understands in New Windsor we told two meetings, we hold a preliminary meeting, some towns, and a public hearing, some towns just do one and if you don't have what you need and you go up in front of them they vote against you, you lose. So what we do is get a general idea of what you want to do and what we need to make an informed decision. And that's why we hold two hearings here, so what happens. In the public hearing it's almost exactly what's going to happen here this evening except at that point the public will be notified, if anybody wants to get up and speak or have any comments they'll be asked to address us and we can make a decision there. So come on up, speak loud and clear for the young lady over there to hear you and tell us exactly what you want to do.

MR. KLEIN: Lewis Klein. Actually, we're not looking to change anything, we just purchased the property at 408 Blooming Grove Turnpike and we found out that it didn't have the proper zoning permits prior to us purchasing the property. So what in essence we're looking to do is get everything in appropriate regulations so we're not going to change anything that's existing now, we're going to keep it the same, we just want to have the appropriate permits.

MR. KANE: It happens quite often. So that actually brings everything into the record and we get it on there. The sign that's up there currently has been up approximately I can tell you it's been at least 20 years so--

MR. KLEIN: We date it back to about 27 years is what we researched, about 27 years it's been up.

MR. KANE: Any complaints to your knowledge formally or informally about the sign?

MR. KLEIN: None whatsoever.

MR. KANE: Is the sign illuminated?

MR. KLEIN: It does light up, yes.

MR. KANE: Flashing illumination, internally lit?

MR. KLEIN: Internally lit, yes.

MR. KANE: Doesn't block the view of any traffic coming up 94 either way?

MR. LEWIS: No, it doesn't.

MR. KANE: And your intent at this time is to actually not change any of the signs that are on there but just to bring, get the permits on them?

MR. KLEIN: Exactly, just to get it in appropriate code so we're not in violation of anything now that we own the property.

MR. KANE: Any easements running through the area where the sign exists?

MR. LEWIS: No.

MR. KANE: And obvious questions, I mean, no water hazards or runoffs by the location of the sign and no cutting down of substantial vegetation where the sign is?

MR. LEWIS: No, none whatsoever.

MR. KANE: Fairly straightforward. Any further questions from the board at this time?

MR. BEDETTI: Yeah, I have a couple questions. The sign that's there, the square footage, the square footage that's stated is that for all, one, two, three, four signs?

MR. LEWIS: Yes.

MR. KANE: What the building department does, Frank, is they just square everything out, they don't total so, you know, for the future and for Hank too what they'll do is just take the square like this over everything and that's what they give us so they won't measure both, only the sign that's the free, you know, in the middle and the Medicine Chest which is above it and

open seven days that they don't take them as separate signs, boom, and give us a square measurement.

MR. BEDETTI: The whole thing?

MR. KANE: That's correct. Now, if it was a different establishment with a different thing they would attack that as two different signs on that post.

MR. SCHEIBLE: But the bottom one I'm just knowing the area the bottom one they are just added on recently.

MR. LEWIS: The bottom sign has always been there, it's been re-faced as in the last couple of years, yes, but the bottom sign has been there, just been re-faced, same structure, same aluminum structure but that I guess it's made of plexiglass, the plastic piece inside has been changed out for a new one, that's correct.

MR. KANE: Further questions? No further questions at this time then I'll accept a motion.

MR. BEDETTI: I will make motion that we schedule a public hearing for Medicine Chest Pharmacy for a variance for a maximum height of 15 feet and a 64 square foot area variance of 3 feet, 3 feet in height variance and 51 square feet of total face area at 408 Blooming Grove Turnpike in an NC zone.

MR. HAMEL: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MS.JULIAN: These are your steps for tomorrow, come in between 8:30 and 4:32 and I can do your steps and I can get you on the agenda.

MR. KANE: Have a good evening.

VINCENT SATRIANO (11-04)

MR. KANE: Next preliminary meeting Vincent Satriano a vacant lot for a proposed one-family dwelling does not meet minimum lot size, variance is requested of 33,560 square feet, also needs a variance for the front yard setback of 20.5 feet, rear yard setback of 5.5 foot and a minimum lot width of 25 feet located at 9 Goodman Avenue in an R-4 zone.

MR. SATRIANO: Good evening, how are you? My name is Vincent Satriano, my address is Post Office Box 275, Montgomery and you have the property address.

MR. KANE: Tell us what you want to do for the record.

MR. SATRIANO: I bought a vacant lot recently from foreclosure and I want to get a building permit to build a house on the lot possibly this year or next and I know that I need a variance for the lot but the property's in Ducktown, in the Ducktown area around the corner here. One of the things that attracted me to the property was it's a very large corner lot, I don't know if you're familiar with Ducktown, most of the homes were built a long time ago, they're on 50 x 50 lots. This particular one 9 Goodman I believe is 100 x 100, so even though it's, I think the code now or the zoning was changed to one acre if I'm not mistaken in that particular area of Ducktown, even though it doesn't meet the current code being a 100 x 100 foot lot it's still more than twice the size of all the lots in the neighborhood because most of the lots there are all 50 x 50 built as you probably well know 50, 60, 70 years ago. So even with the variance it would still be probably one of the largest lots in Ducktown, it's a very nice corner parcel.

MR. KANE: The size of the home going in there too is that going to be--

MR. SATRIANO: I didn't even get that far, I'm probably going to do three or two bedroom, three bedroom, two bath ranch, something that fits the neighborhood. Obviously I saw there was two or three newer houses built in the area last few years, some of them are quite large. I don't plan on doing that large but something you'd see on the street, probably a ranch one floor three bedroom possibly four but I didn't get that far yet.

MR. KANE: Is that town water and sewer?

MR. SATRIANO: It is.

MR. KANE: Cutting down substantial vegetation in the building of the house?

MR. SATRIANO: No, the lot's practically clear, I don't think I have to take down a tree or two just to put the driveway in, it's relatively flat, almost no trees on the lot except for the perimeter which I'd probably leave almost all of them.

MR. KANE: Creating water hazards or runoffs?

MR. SATRIANO: No.

MR. KANE: Just want to make sure everything is covered because you're on a corner lot so you have a front yard setback of 20.5, technically on a corner lot you have two front yards in New York State, that's the beauty of it. So I'm wondering if you actually need two setbacks on that? Can we check that with the building department to make sure?

MS. JULIAN: Yes.

MR. KANE: We'll find out, Nicole will let you know on that so we cover every base in here. Other than that, we can give you a variance here and you could go out and try to get a building permit and he will say no, you've got another front yard over here, you need to cover that, New York State corner lots are two front yards.

MR. SATRIANO: Let me understand, so if I needed two setbacks, would that kind of help me or hurt me because it's a corner lot?

MR. KANE: It will save you money from coming back here again so I'm trying to cover that base up front and we're going to find out if it's indeed necessary but it's considered two front yards. So depending on since we don't know what house is going on there, we don't know where it is we want to make sure that we try to cover every base.

MR. SATRIANO: I understand.

MR. KANE: So it saves you some money and us some time

and hassle.

MR. SATRIANO: Like I said, my original hope when I saw the size of the lot it could actually looking at the neighborhood accommodate two lot subdivision but I figured even if I put one house on it it would still be a very large nice parcel in that neighborhood and fit very nicely.

MR. KANE: No matter what the proposed driveway is going onto Goodman Avenue?

MR. SATRIANO: I mean, I think based on the contour of the land that would make the most sense and require minimal disturbance because the property's slightly grades downwards so--

MR. KANE: Either way you're going to need it cause it's 100 x 100, okay.

MR. SCHEIBLE: You're putting two houses, what happened 60 years ago what you just said a little while ago doesn't happen today anymore.

MR. SATRIANO: Of course, well, 60 years ago I can't believe if you're familiar with the area that nobody's ever built on this lot because not a lot of lots left in Ducktown and 60 years ago they could have put three houses technically on it, it's just when I saw it I grabbed it cause it's a nice corner lot. I was looking for something in the area, I was actually looking to buy one of the older homes that needed to be refurbished and I saw the vacant lot was for sale.

MR. SCHEIBLE: Is it your intention to live there?

MR. SATRIANO: I have a disabled family member that's go to be living there which is why I'm thinking about doing a one story ranch.

MR. KANE: Are you the current homeowner?

MR. SATRIANO: I'm the property owner, I own the home next door to it as well.

MR. HAMEL: I see on page three says proposed two story house on page three.

MR. SATRIANO: That may have been, just been what Dan Yanosh put in because I think the prior owners they

started a process with him because he surveyed the property just by some coincidence I called, I didn't know he had done work so I don't know if that's what was proposed for somebody else. My intention is probably to do a one story because I think it will best serve the needs of the occupant.

MR. HAMEL: Would that make a difference?

MR. KANE: Actually to us, no.

MR. SATRIANO: That would probably be the only if I did a single story building probably be the only one on the block, they are all pretty much two story.

MR. KANE: That would be with the building department depends on building height but as for this particular hearing, no. Any further questions?

MR. BEDETTI: I think you just commented what I was going to ask you the house that you envision that you may put up there is that going to be similar in size to the other houses in the area?

MR. SATRIANO: Yeah, right, there's not a lot of large, my house next door to it is probably one of the largest houses in the community. There's not a lot of large houses in that area. I'd like to put, you know, a simple ranch like I said three bedroom, something tasteful that fits the neighborhood like a small village type home.

MR. KANE: I don't think anybody here would want to see a little McMansion, it would be totally out of place in that area.

MR. BEDETTI: In Clancyville.

MR. SATRIANO: No, I'm not interested in, I don't think the market bears it but I'm not interested in doing that anyway.

MR. KANE: Further questions from the board?

(Whereupon, Mr. Krieger entered the room.)

MR. KANE: You have an aerial view for us in the picture, can you snap some pictures straight view for the public hearing for us?

MR. SATRIANO: Yes.

MR. KANE: No further questions, I'll accept a motion at this time.

MR. BEDETTI: I will make a motion that we schedule a public hearing for Vincent Satriano located at 9 Goodman Avenue in an R-4 zone as requested in the proposal for a one-family dwelling.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MS. JULIAN: I'll check on the corner lot with the building department then you can come in, bring 90 envelopes.

MR. SATRIANO: Okay.

ANGELO & ROSA ANNA ZINGAROPOLI (11-05)

MR. KANE: Tonight's last preliminary meeting Angelo and Rosa Anna Zingaropoli for an existing attached deck 17 x 15 feet rear yard setback does not meet minimum side and rear yard setbacks, the variance is requested are for minimum side yard setback of 29 feet and for the rear yard setback of 12 foot located at 405 Mt. Airy Road in an R-1 zone. Name and address please?

MS. ZINGAROPOLI: My name is Rosa Anna Zingaropoli and I'm at 405 Mr. Airy Road in New Windsor 12553.

MR. KANE: Okay, tell us exactly what you want to do.

MS. ZINGAROPOLI: Well, this is an existing deck, it's already there and what's permitted is 40 and I guess I have 11 and I want to have a variance request of 29 that's for the side yard and for the rear yard it has 50 and what's available was 38 and I'd like a request for 12.

MR. KANE: Okay, so let the record show that your actual property is your house is on an angle to your actual property per this diagram right here.

MS. ZINGAROPOLI: Yes.

MR. KANE: So where the deck is coming off the corner is coming 11 feet back and it's 30 feet to the side yard but you have a lot more room behind here that's actually part of your property, correct?

MS. ZINGAROPOLI: Yes.

MR. KANE: How long has the deck been up approximately?

MS. ZINGAROPOLI: Since we moved there 25 years.

MR. KANE: Has there been to your knowledge cutting down any trees, substantial vegetation in the building of the deck?

MS. ZINGAROPOLI: No.

MR. KANE: Creating any water hazard or runoffs?

MS. ZINGAROPOLI: No.

MR. KANE: Have there been any complaints formally or

informally about the deck?

MS. ZINGAROPOLI: No.

MR. KANE: Is the deck similar in size and nature to other decks that are in your neighborhood?

MS. ZINGAROPOLI: Oh, yes. It's near the house, you know what I'm saying?

MR. KANE: Yes.

MS. ZINGAROPOLI: It's not this way, it's this way.

MR. SCHEIBLE: So this was built what year about?

MS. ZINGAROPOLI: I guess about 25 years ago when I moved in.

MR. SCHEIBLE: I don't know if this is a question because I'm new man on the block here.

MR. KANE: That's okay.

MR. SCHEIBLE: Was there a building permit issued for the deck or did that go along with the house at the time?

MS. ZINGAROPOLI: Back then I hate to say it they closed with a lot of things that didn't, you know, need C.O.s and this and that I'm finding out that the hard way.

MR. KANE: You're not alone, you're not alone.

MR. SCHEIBLE: I'm always scared of decks sometimes.

MR. KANE: Well--

MR. SCHEIBLE: Has the building inspector been there?

MR. KANE: He will, they are subject to getting the approval here, what will happen they get the permit, their process is they have to get a permit, they are denied a permit, that's how they get in front of us, they'll get the permit then the building inspector will go out and inspect the deck to make sure that it is up to code. Whatever is not up to code has to be brought up to code at that time before they actually get the C.O. on the deck.

MR. SCHEIBLE: That makes sense. You have to excuse me, it's my first evening here.

MS. ZINGAROPOLI: That's okay.

MR. SCHEIBLE: I ask certain questions, I'm using you as a guinea pig right now.

MS. ZINGAROPOLI: No, that's fine.

MR. KANE: Ask whatever you need to ask but that's how the process is and the only time they get in front of us when they get turned down for a building permit.

MR. BEDETTI: Who's your closest neighbor on your, the short side of the, where you're looking for the variance, the closest parcel to your property line, who's just on the other side of the property line?

MS. ZINGAROPOLI: I don't remember his last name.

MR. BEDETTI: But does he, is it way back?

MS. ZINGAROPOLI: Oh, yeah, he's all the way far.

MR. BEDETTI: Is he close to the property line?

MS. ZINGAROPOLI: No, it's not close to his property, no.

MR. BEDETTI: So the nearest house is quite a ways away?

MS. ZINGAROPOLI: Okay.

MR. KANE: For the public hearing just snap some pictures.

MS. ZINGAROPOLI: I did already, I gave it to Nicole.

MR. KANE: Sorry, yes. So the deck if you can get something kind of pointing towards the neighbor's house off of the deck for me?

MS. ZINGAROPOLI: Okay, that's fine.

MR. KANE: We can get a picture off the deck pointing to the other home.

MR. BEDETTI: Nice looking deck but they can't get an idea who's alongside of you, how far away he is.

MS. ZINGAROPOLI: He's quite a ways off.

MR. BEDETTI: That's a good thing.

MR. SCHEIBLE: You go up Bethlehem Road and you make a left to get to your house?

MS. ZINGAROPOLI: Well, you know where The Reserves are, I go all the way up the road, do know where Fayo Farm is, yeah, in that trailer park I'm diagonally across the street from the trailer park.

MR. SCHEIBLE: From the trailer park entrance?

MS. ZINGAROPOLI: Yes, that's where I am.

MR. SCHEIBLE: Now I know where you are.

MR. KANE: Further questions at this time? None, I'll accept a motion.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Angelo and Rosa Anna Zingaropoli for the requested variance at 405 Mt. Airy Road.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MS. JULIAN: Your next steps.

FORMAL DECISIONS:

1. ROBERT SILVERSTEIN
2. SHARON WALSH
3. WALGREENS
4. JAMES CACIOPPO
5. COLLEEN MORRIS

MR. KANE: Formal decisions, we have five formal decision. Usually we'll take a vote to take them with one vote to accept the formal decisions. So I will accept a motion.

MR. BEDETTI: Can I just make a comment? I had a little question on the resolution on two of these interpretations and essentially similar striking of one or two words out of the resolution I think would make it appropriate.

MS. JULIAN: He's talking about the resolve at the end in the resolution it states what needs to be stated and he's talking about the resolve at the end.

MR. BEDETTI: Right, for example, under resolution is resolved after Zoning Board of Appeals of the Town of New Windsor grants a request for the interpretation for a single family dwelling with two kitchens or a two-family dwelling as sought by the applicant. Well, the two-family dwelling was struck from the request so I think just need to really just strike that two family dwelling.

MR. KRIEGER: Yes, he's correct

MR. KANE: Strike that out.

MR. BEDETTI: And basically the same thing on one of the other ones and the other one was--

MS. JULIAN: James Cacioppo.

MR. BEDETTI: Just strike there's two or three other words.

MR. KANE: So we'll take those out. With those corrections for Cacioppo and Morris striking out and just leaving the interpretation for single family home with two kitchens striking out anything else, I'll accept a motion.

MR. BEDETTI: I will make a motion that we accept the formal decisions for Silverstein, Walsh, Walgreens, Cacioppo and Colleen Morris with minor modifications to the two.

MR. KRIEGER: As modified.

MR. HAMEL: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KANE: Pat didn't make it so Nicole is going to be sending out an e-mail tomorrow and Frank is running for chairman, I'm running for chairman, we need your vote, mail it directly back to Nicole, get it done.

MS. JULIAN: You can just e-mail.

MR. KANE: We have to get it done and get it on the record. Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer